

Remarks

Claim rejections 35 USC § 103

It is respectfully submitted that the subject-matter of claim 1 is not obvious over Powell et al. in view of Kocur, due to a number of erroneous findings in the office action. These will be dealt with in turn.

The Examiner alleges that Powell discloses “a prioritized listing of locations including both scheduled locations which an agent is currently due to visit and unscheduled locations which said agent is not currently due to visit”.

The “unscheduled locations” are allegedly found in Powell’s pooled queue 20 of pooled work orders. If this pooled queue is the claimed “prioritized listing”, then it does not include the scheduled locations which the agent is due to visit. Conversely, if the individual worker’s schedule is the “prioritized listing”, then this does not include unscheduled locations which the agent is not scheduled to visit. There is no listing in Powell which includes both scheduled and unscheduled locations.

As has been repeatedly emphasized throughout the prosecution of the present application, the current invention relies on having a listing which includes, for an agent, both locations he is due to visit and the locations which he is not due to visit. Powell maintains unassigned pooled work orders in one listing and maintains an agent’s schedule in another listing, which is not what applicants have claimed. This fundamental feature of the claimed invention is not taught or suggested by either Powell or Kocur and for this reason alone, the present invention should be considered to be novel and non-obvious.

The Examiner has acknowledged that Powell fails to disclose two key features:

1. The listing of scheduled and unscheduled locations is prioritized according to availability of the agent to reach each location.

2. Availability is calculated for each location irrespective of whether or not the agent is currently due to visit a particular location in the listing.

The Examiner alleges that these features are found in Kocur et al.

The Examiner's argument on this point is as follows:

Kocur discloses an initial route (i.e. scheduled locations) created for each worker based utilizing a distance and travel time minimizing technique (Column 12, lines 31-37), which results in ordering the work-projects in deadline order (i.e. rank order of importance), wherein all pairs of work-projects in the route are then swapped and examined for improvements, i.e. both scheduled and unscheduled locations are examined and ranked in order to determine improvement. (Column 15, lines 9-17).

Applicants do not deny that Column 12, lines 31-37 discloses the creation of an initial route of scheduled locations for each worker. Applicants furthermore agree that Column 15, lines 9-17 does disclose that all pairs of work-projects in the worker's route are swapped and examined for improvements.

However, these agreed facts provide absolutely no basis for the underlined conclusion. If one takes a route of scheduled locations for a worker (which does not include any unscheduled locations), and then swaps all pairs of entries in that list, i.e. all scheduled locations are swapped with one another to try to determine whether efficiencies can be obtained, the result is nevertheless a list of scheduled locations, albeit ordered differently. Nothing in Kocur discloses that both scheduled and unscheduled locations are examined and ranked in order to determine improvements.

In conclusion, Kocur is of no assistance in providing a teaching of a prioritized listing of unscheduled and scheduled locations for an agent which are ranked according to the availability of the agent to reach each location after an initial time, with the availability of the agent to reach unscheduled locations being calculated in advance.

Applicants have diligently tried to understand how the underlined conclusion above could have been reached by the Examiner, without success.

In addition to the arguments presented above regarding the failures of both Powell and Kocur to teach certain specified claim integers, Applicants dispute that the suggested combination can even be made.

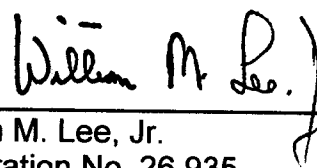
In particular, if one were to apply Kocur's suggestion of swapping all pairs of work-projects into the Powell disclosure, then one would simply end up with a slightly better work route for each worker in Powell. This would not give rise to unscheduled locations being prioritized for availability and thereby ranked, along with the scheduled locations, in a listing of both scheduled and unscheduled locations.

Each of the remaining independent claims shares the common wording of claim 1 and is this patentable for the reasons recited above and in applicants' last response. Similarly, each of the dependent claims includes the features of the independent claim from which it depends and is similarly patentable.

In view of the arguments made herein, the applicants respectfully request the examiner withdraw the rejections, and allow the application.

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Respectfully submitted,



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